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CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES

Report of the Sixth Committee

Rapporteur: Mrs. Silvia A. FERNÁNDEZ de GURMENDI (Argentina)

I. INTRODUCTION

1. The item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" was included in the agenda of the forty-ninth session of the General Assembly, pursuant to Assembly resolution 47/31 of 25 November 1992.

2. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the following documents:

(a) Reports of the Secretary-General (A/INF/48/4 and A/49/295 and Add.1 and 2);

(b) Letter dated 8 July 1994 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/49/224).

4. The Committee considered the item at its 6th, 7th and 39th meetings, on 5 and 6 October and 23 November 1994. The summary records of those meetings contain the views of representatives who spoke during the Committee's consideration of the item (A/C.6/49/SR.6, 7 and 39).

5. At the 6th meeting, on 5 October, the Under-Secretary-General, the Legal Council, introduced the reports of the Secretary-General (see A/C.6/49/SR.6).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/49/L.23

6. At the 39th meeting, on 23 November, the representative of Finland, on behalf of Argentina, Austria, Canada, Chile, the Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, the Netherlands, Norway, the Republic of Moldova, Romania, the Russian Federation, Sweden, Turkey and Uruguay introduced a draft resolution entitled "Consideration of measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" (A/C.6/49/L.23). Subsequently, Ukraine joined in sponsoring the draft resolution.

7. At the same meeting, the Committee adopted draft resolution A/C.6/49/L.23 without a vote (see para. 9).

8. The representative of Mexico made a statement in explanation of position after the adoption of the draft resolution (see A/C.6/49/SR.39).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,

Having considered the report of the Secretary-General, 1/

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Alarmed by the repeated acts of violence against diplomatic and consular representatives, as well as against representatives of international intergovernmental organizations and officials of such organizations, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials,

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1/ A/49/295 and Add.1 and 2.

Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,

Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Recalling also that diplomatic and consular premises must not be used in any manner incompatible with the diplomatic or consular functions,

Emphasizing the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in later Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. Takes note of the report of the Secretary-General;

2. Strongly condemns acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. Urges States to observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

4. Also urges States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above and to bring offenders to justice;

5. Recommends that States should cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State, with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;

6. Urges States to take all appropriate measures, in accordance with international law, at the national and international levels to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

7. Recommends that States should cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its judicial authorities in order to bring offenders to justice;

8. Calls upon States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

9. Also calls upon States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

10. Requests all States to report to the Secretary-General in accordance with paragraph 9 of resolution 42/154 of 7 December 1987;

11. Requests the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, containing also an analytical summary of the reports received under paragraph 10 above, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

12. Decides to include in the provisional agenda of its fifty-first session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".